

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

December 4, 2014



Conditional Use Permit case no. CU13-06: Ramiro Quintero

CASE DESCRIPTION: request for approval of a Conditional Use Permit to allow an auto repair workshop on property in a Mixed Use District (MU-2)

LOCATION: 1015 West 28th Street, adjoining the south side of West 28th Street between Kubin and Commerce Streets

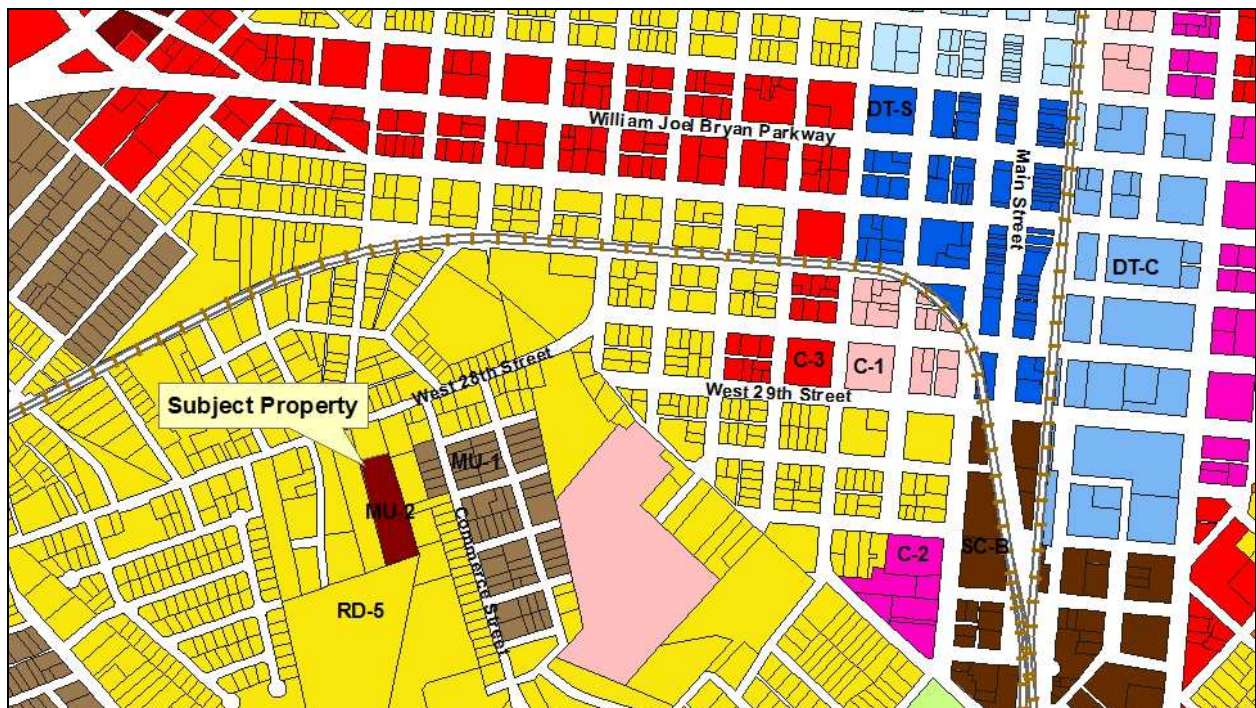
LEGAL DESCRIPTION: 2.3 acres out of Stephen F. Austin League #9

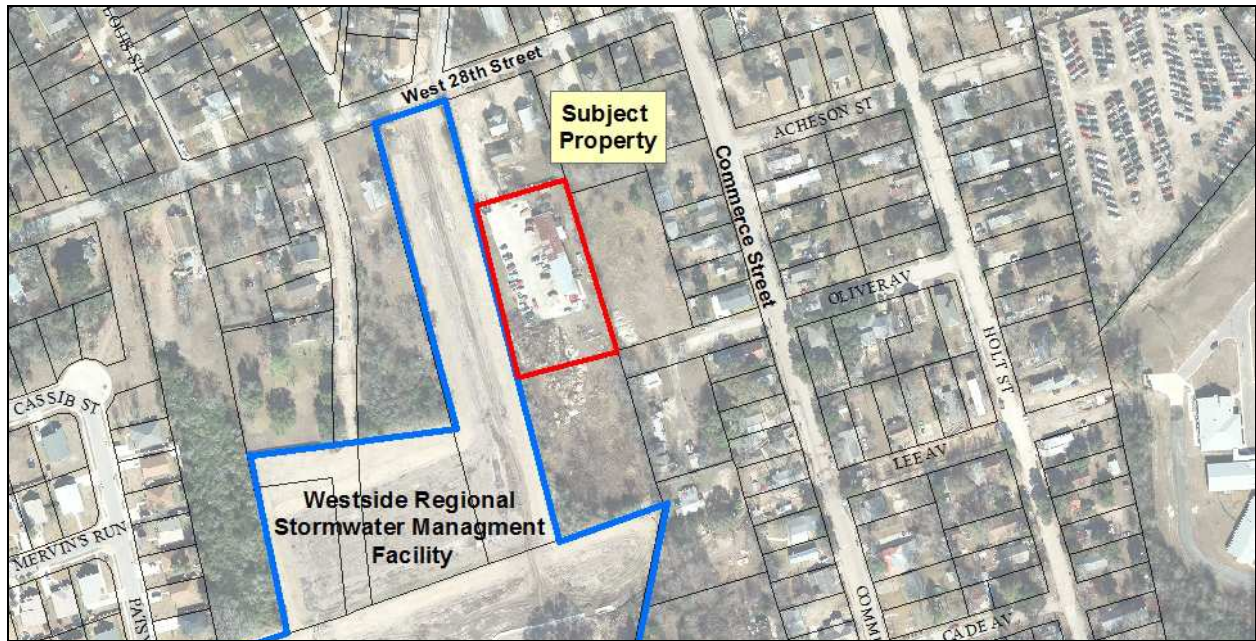
EXISTING LAND USE: auto repair workshop

APPLICANT(S): Ramiro Quintero

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approval of this request.**





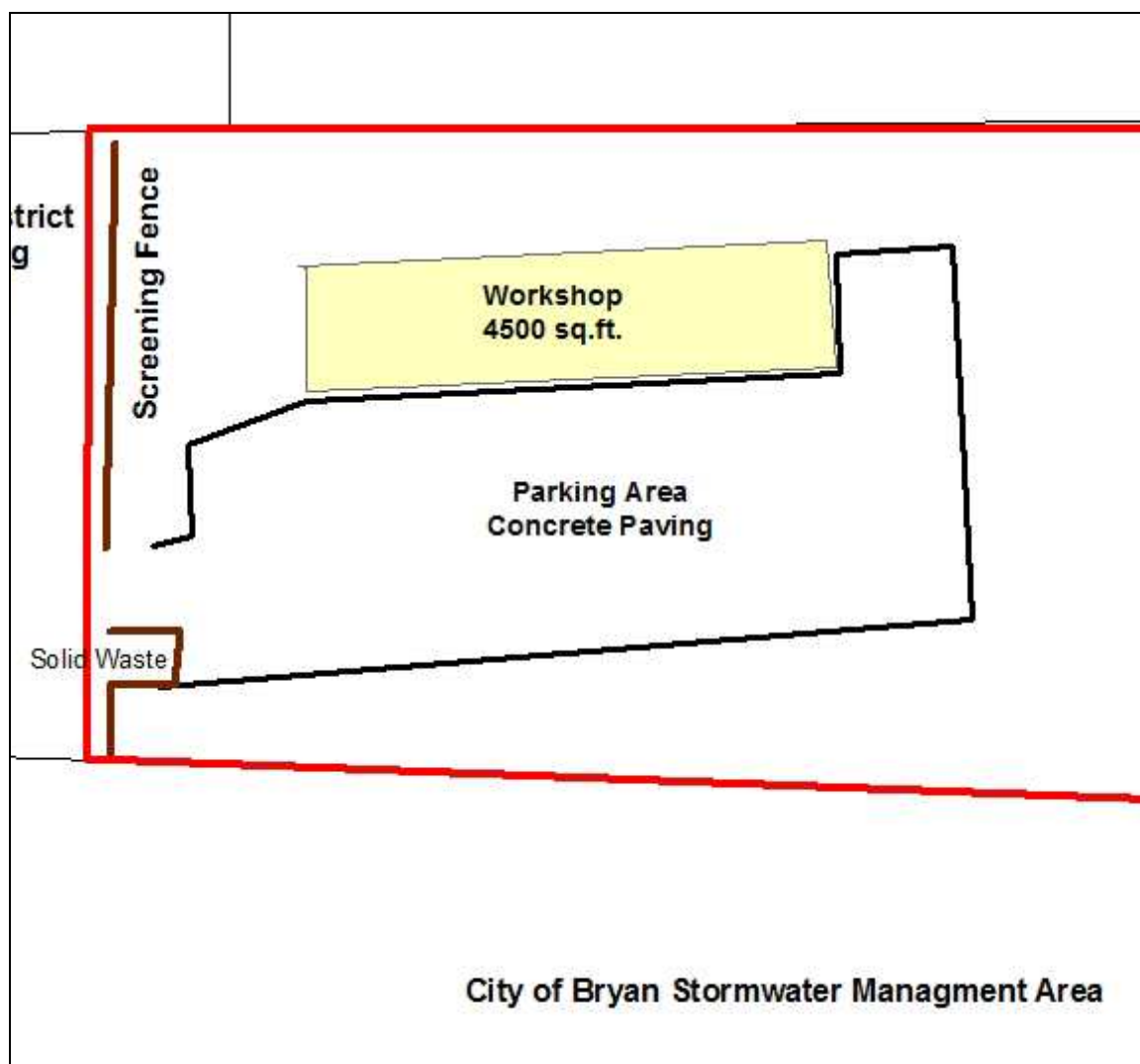
BACKGROUND:

The subject property is a 2.3 acre tract of land zoned Mixed Use District (MU-2) located in a predominantly residential area southwest of downtown Bryan. The nearest non-residential zoning is the Twin City Mission property located approximately 800 feet to the east. The next closest nonresidential zoning district is located more than a quarter mile away. Between the MU-2 zoned area and West 28th Street there are two residences on a portion of the property that is zoned Residential District – 5000 (RD-5). The immediately adjacent property to the east is vacant; across this 130 foot wide vacant space is the rear property line of lots with the residences that front Commerce Street. To the west and south lies the City of Bryan’s Westside Regional Stormwater Management Facility.

In 1997, responding to a noise complaint from a citizen, staff found that a motorcycle repair shop was operating in the building on the subject property. Upon investigation, it was determined that although previously used for auto repair prior to the 1989 adoption of zoning, the property had not been in use for auto repair for a period of 16 months and therefore any grandfathering claim would not be valid.

In 2003 Mr. Quintero asked for the tract to be rezoned from Residential District – 5000 (RD-5) to Mixed Use District (MU-2) with case no. RZ03-16. The City Council ultimately approved the change to MU-2 on the rear portion of the property but left the portion along West 28th Street zoned for residential use. Since the zoning of the rear portion, the subject property of this request, was changed from to MU-2 District, Mr. Quintero is able to request a Conditional Use Permit, which, if approved, would allow an auto repair shop on the subject property. Mr. Quintero is now requesting approval such of a Conditional Use Permit.

DETAIL, SITE PLAN:



ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

If approved, the commercial use will conform to all applicable regulations and standards established by the Zoning Ordinance. No variations from existing development standards are being requested.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Staff contends that given the relatively large distances to surrounding residential land uses in this diverse area, a small auto repair operation is appropriate. The workshop building is setback over 200 feet from West 28th Street right-of-way and the distance to residential uses to the east or west is 240 feet and 175 feet, respectively. With the construction of the West 28th Street widening project, access to West 28th Street will be shared with the two rental units to the north. This will result in the closure of two non-conforming driveways.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Auto repair within a MU-2 zoning district ranks among the most intense of all uses possibly permitted within that zoning district. Staff contends that, in this particular case, the large distances to existing residential uses, and the small scale of the business will help mitigate negative impact to area residences. Should Mr. Quintero wish to add on to the existing workshop building or construct another, an amendment to the Conditional Use Permit would be required.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that continuance of the existing auto repair workshop use will not change the safety level of vehicular or pedestrian traffic in the area.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

No additional impact concerning erosion, flood or water damage, noise, glare, fire and other hazards are expected.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Staff contends that continuance of the existing auto repair workshop use will not change the safety level of vehicular or pedestrian traffic in the area.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

Ample off-street parking is currently provided on the subject site.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

Given certain conditions, auto repair potentially could conform to the objectives and purpose of the Mixed Use District (MU-2). While the area is zoned MU-2, the pattern of development in the surrounding area remains predominantly residential. Due to the large distances buffering the existing use, staff contends that in this case approval of the requested conditional use permit meets with the overall spirit of the Zoning Ordinance and the Comprehensive Plan.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Permitting the continuance of auto repair workshop use at this location will have no negative impact upon properties or improvements in the vicinity.

10. Whether the premises or structures are suitable for the proposed conditional use.

The existing premises are currently in use as an auto repair workshop and remain suitable for that use.

RECOMMENDATION:

Staff recommends **approving** a Conditional Use Permit to allow the use as an auto repair workshop to continue on the subject property.